



RULES OF THE STATE PERSONNEL BOARD

478-1-.15 Changes to Employment Status

(1) Promotions:

A promotion is the advancement of an employee to a job on a higher pay grade. An agency may fill a vacancy by promoting an employee determined to be qualified for the higher job.

(2) Demotions:

A demotion is the movement of an employee to a job on a lower pay grade. Demotions may be voluntary or involuntary. In all cases, the employee must be qualified for the lower job at the time of demotion.

(a) Voluntary Demotion:

An agency may demote an employee on a voluntary basis under the following conditions:

1. The employee requests to be assigned to a job on a lower pay grade. In such case, the employee must make the request to the agency in writing and should include the reasons for requesting demotion.
2. The employee accepts a job on a lower pay grade that is offered as part of a reorganization or for other reasons determined to be in the best interest of the agency.
3. In either case, the employee must acknowledge written notice of the new job on the lower pay grade and salary change, if any, and whether the new position is in the classified or unclassified service.

(b) Involuntary Demotion:

1. An unclassified employee may be demoted if the agency determines such action is in the best interest of the agency and consistent with Rule 478-1-.03 (Antidiscrimination).
2. Provisions for involuntarily demoting a classified employee are defined in Rule 478-1-.24 (Working Test and Permanent Status for Classified Employees) and Rule 478-1-.26 (Adverse Actions for Classified Employees).

(3) Transfers:

Rules of the State Personnel Board

(a) To a Position on the Same Job:

An agency may fill a vacancy by transferring a qualified employee from another position on the same job, as long as such transfer is not otherwise prohibited by this Rule.

(b) To a Position on a Different Job:

An employee may be transferred to any vacancy in another job on the same pay grade, as long as the employee meets the qualifications for the job and the transfer is not otherwise prohibited by this Rule.

(c) An involuntary transfer that involves a change in shift or location or change in other terms and conditions of employment, must be consistent with Rule 478-1-.03 (Antidiscrimination).

(d) Employees returning from Family and Medical Leave or military leave are subject to transfer only when such action complies with laws applicable to such leave.

(4) Relocations:

(a) An employee may be relocated from one duty station to another as a result of transfer, promotion, demotion, or relocation of function by an agency.

(b) If the costs of relocation are reimbursable under regulations established by the Office of Planning and Budget Policy No: 2 (Rules, Regulations and Procedures Governing the Payment of Intrastate Relocation Expenses to State Employees), the following provisions apply:

1. Unless there is a need to relocate a specific individual, staff should be given the opportunity to volunteer for relocation before involuntary relocation is required.
2. If one or more, but not all, **classified** positions in a job are to be involuntarily relocated, the agency is to follow the procedures in Rule 478-1-.25 (Reduction-in-Force for Classified Employees) to determine the order of relocation. Any exception to the calculated order of relocation must be requested in the plan for relocation and approved by the Department of Administrative Services.
3. Relocation is subject to review through the Employee Complaint Resolution Procedure. (See Rule 478-1-.20.)

Rules of the State Personnel Board

4. Involuntary relocation actions must be consistent with Rule 478-1-.03 (Antidiscrimination).

(5) Suspensions:

(a) Suspension with Pay:

An agency may suspend an employee with pay if it is determined by the agency to be in the best interest of the agency. A written notice must be provided to the employee.

(b) Suspension without Pay:

1. Disciplinary Action:

- (i) An agency may suspend an unclassified employee without pay for disciplinary purposes. Such suspension should be proportional to the offense and should not exceed 30 calendar days for any one offense, or for multiple offenses arising out of the same incident.
- (ii) Provisions for suspending a classified employee without pay for disciplinary purposes are defined in Rule 478-1-.26 (Adverse Actions for Classified Employees).

2. Pending Criminal Court Action:

- (i) An agency may suspend an unclassified employee without pay due to pending criminal court action. Such suspension should not exceed the period of time necessary for the disposition of the action. An exception exists for the agency to continue the suspension beyond the court disposition date for the period necessary to conclude any internal investigation of the issue.
- (ii) Provisions for suspending a classified employee without pay due to pending criminal court action are defined in Rule 478-1-.26 (Adverse Actions for Classified Employees).
- (iii) At the end of the suspension period, the employee should be returned to duty or terminated in accordance with section (6) or (7) of this Rule, as applicable.

Rules of the State Personnel Board

- (iv) If the disposition of the criminal action does not include any penalty to a classified employee, the employee must be reinstated in accordance with the provisions of Rule 478-1-.27(18)(d)3 (Appeals and Hearings for Classified Employees).
- 3. An agency may define other circumstances under which an unclassified employee may be suspended without pay and the time parameters for such suspension.
- 4. Prior to suspending a Fair Labor Standards Act (FLSA) exempt employee without pay, the agency should determine whether such action would result in the loss of the FLSA exemption.

(6) Voluntary Separations:

- (a) An agency may consider an unclassified employee to have voluntarily resigned from employment with the agency when any of the following occur:
 - 1. The employee is absent from duty for three (3) consecutive workdays or equivalent without proper authorization.
 - 2. The employee fails to return from approved leave and has not received approval for an extension. Prior to separating an employee for failure to return from approved leave, the Appointing Authority, or designee, must ensure the agency has met any obligation it may have related to reasonable accommodation, Family and Medical Leave, and military leave protection, as applicable.
 - 3. A suitable vacancy is not available at the expiration of a contingent leave of absence.
- (b) An agency may consider an unclassified employee to have forfeited employment when any of the following occur:
 - 1. The employee fails to secure or maintain a license, certification, or registration as required for the duties of the position.
 - 2. The employee makes a false statement of material fact on an application for examination or employment.
 - 3. The employee engages in conflicting employment in violation of Rule 478-1-.07 (Outside Employment).

Rules of the State Personnel Board

4. The employee engages in political activity in violation of Rule 478-1-.08 (Political Activity).
- (c) Provisions for voluntarily separating classified employees are defined in Rule 478-1-.28 (Voluntary Separations for Classified Employees).

(7) Involuntary Separations:

An agency may terminate an unclassified employee as deemed necessary to meet the needs of the agency and in keeping with State and Federal laws and guidelines. Provisions for involuntarily separating a classified employee are defined in Rule 478-1-.26 (Adverse Actions for Classified Employees) and Rule 478-1-.25 (Reduction-in-Force for Classified Employees).

(8) Position Level Reduction:

When an agency determines that the responsibilities of a position have been reduced to the extent that the position would be more appropriately assigned to a job on a lower pay grade, the agency shall reallocate the position to the appropriate job. Such position level reduction is a classification action and, if the position is filled, should not be considered a reflection of the incumbent employee's quality of work.

- (a) When a filled position is reallocated through position level reduction, the incumbent employee has the right to request a review of the action in accordance with procedures established by the agency. The decision of the review official is final.
- (b) The salary of an incumbent employee remains the same upon position level reduction, even if such salary is above the pay grade maximum for the new job.
- (c) The employment status of an incumbent employee remains the same upon position level reduction. An exception exists if a classified employee was serving a working test in the position at the time of the position level reduction and had previously attained permanent status in the job to which the position is being reallocated. In such case, the employee would have permanent status in the lower job upon position level reduction. In all cases, a classified employee remains classified, and an unclassified employee remains unclassified.
- (d) Position level reduction shall not be appealable to the Board.

(9) Staff Reduction:

Rules of the State Personnel Board

At times, a staff reduction is necessary due to lack of work, lack of funds, economic slowdowns, technological or structural changes in the agency's operations, or because a staff reduction is determined to be necessary to ensure the financial health and viability of the agency.

(a) **Unclassified Employees:**

An agency may layoff unclassified employees when staff reduction is necessary and consistent with Rule 478-1-.03 (Antidiscrimination).

(b) **Classified Employees:**

Provisions for the staff reduction and recall of classified employees are defined in Rule 478-1-.25 (Reduction in Force for Classified Employees).

(c) **Legislative Notification:**

If a staff reduction would result in the elimination of 25 or more positions or the layoff of 25 or more employees (classified and/or unclassified), the Appointing Authority shall, at least 15 days before notifying employees of the action, notify the President of the Senate and Speaker of the House of the proposed action. The notification must identify the facility(ies) and operation(s) to be affected, the estimated number of employees to be affected, and the reasons for the proposed action.

(d) Provisions for furlough are defined in Rule 478-1-.16 (Absence from Work) and in Rule 478-1-.25 (Reduction in Force for Classified Employees).

(10) Effects of Job Changes on Classified Status:

(a) Employees with classified status as of June 30, 1996, remain classified until they move into an unclassified position.

(b) Positions created July 1, 1996, or after, are unclassified positions.

(c) Classified employees who move into a different classified position without a break in service remain classified in the new position.

(d) Classified employees lose their classified status effective the date they move into an unclassified position and cannot regain classified status at a later date.

Rules of the State Personnel Board

- (e) Classified employees who are involuntarily demoted on working test or as a result of adverse action retain their classified status in the lower job to which they are demoted.
- (f) Classified employees are not to be involuntarily transferred into an unclassified position.

Authority:

O.C.G.A. Sections 45-20-3, 45-20-3.1, 45-20-4 (duties and functions of the State Personnel Board and Department of Administrative Services related to the Rules of the State Personnel Board)